

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MARITES CAMPANO and RAPHAEL	)	CIVIL NO. 15-00439 KSC
CAMPANO, Individually and as the	)	
Court-Appointed <i>Next Friend</i> for	)	ORDER GRANTING PLAINTIFFS'
the Minor Children R.M.B.C,	)	MOTION FOR INDICATIVE RULING
R.B.B.C., and M.R.B.C.,	)	APPROVING SETTLEMENT ON BEHALF
	)	OF MINORS
Plaintiffs,	)	
	)	
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	
	)	

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ORDER GRANTING PLAINTIFFS' MOTION FOR INDICATIVE  
RULING APPROVING SETTLEMENT ON BEHALF OF MINORS

Before the Court is Plaintiffs Marites and Raphael Campanos' Motion for Indicative Ruling Approving Settlement on Behalf of Minors, filed December 26, 2018, which the Court construes as a Motion to Approve Settlement on Behalf of Minors. The Court elects to decide this matter without a hearing pursuant to Rule 7.2(d) of the Local Rules of Practice for the U.S. District Court for the District of Hawaii. For the reasons articulated below, the Court GRANTS the Motion.

BACKGROUND

Defendant appealed the judgment in this case. During the pendency of the appeal, the parties reached a tentative settlement. Court approval of the settlement on behalf of the

Minor Plaintiffs, R.B.B.C. and M.R.B.C., is a condition of the settlement.

At the December 27, 2018 Status Conference, the Court stated that it would grant the Motion if the Ninth Circuit remanded the case for that purpose. Doc. No. 174.

On January 9, 2019, the Ninth Circuit issued an Order remanding the appeal to this Court "for the limited purpose of enabling the district court to consider the appellees' motion to approve a settlement on behalf of the minor plaintiffs." Doc. No. 175.

#### DISCUSSION

Plaintiffs request a ruling that the Court would approve the proposed settlement on behalf of the Minor Plaintiffs. According to Plaintiffs, the ruling is necessary to satisfy the terms of the proposed settlement. In addition, Plaintiffs submit that the proposed settlement is fair and reasonable and in the best interest of the Minor Plaintiffs.

Federal Rule of Civil Procedure ("FRCP") 62.1 provides, in pertinent part, that:

**(a) Relief Pending Appeal.** If a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may:

- (1) defer considering the motion;
- (2) deny the motion; or

(3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue. . . .

. . . .

**(c) Remand.** The district court may decide the motion if the court of appeals remands for that purpose.

Fed. R. Civ. P. 62.1. The Court having already indicated that it would approve the settlement on behalf of the Minor Plaintiffs, and the Ninth Circuit having remanded the case for the limited purpose of considering a motion to approve the settlement, the Court now addresses the underlying request.

Based on its extensive knowledge of and familiarity with this case, and after reviewing the Stipulation for Compromise Settlement and Release Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677, attached as Exhibit 2 to the Motion, the Court finds that the settlement is fair, reasonable, and in the best interest of the Minor Plaintiffs. Accordingly, the Court GRANTS the Motion.

The Court will separately issue the Order Approving Settlement, attached as Exhibit 3 to the Motion.

#### CONCLUSION

For the reasons stated above, the Court GRANTS Plaintiffs' Motion for Indicative Ruling Approving Settlement on

Behalf of Minors, filed December 26, 2018, which the Court construes as a Motion to Approve Settlement on Behalf of Minors.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, January 10, 2019.



  
Kevin S.C. Chang  
United States Magistrate Judge

CIVIL NO. 15-00439 KSC; CAMPANO, ET AL. V. UNITED STATES OF AMERICA;  
ORDER GRANTING PLAINTIFFS' MOTION FOR INDICATIVE RULING APPROVING  
SETTLEMENT ON BEHALF OF MINORS